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THE COMMITTEES OF VIGILANCE OF CALIFORNIA

BY ROCKWELL D. HUNT

Mr. James Bryce, in his yet unequalled work on the American Commonwealth, affirms that "the American people have a practical aptitude for politics, a clearness of vision, and capacity for self-control never equalled by any other nation."¹ After instancing their disregard of "darling legalities" under the stress of civil war, when a high sense of patriotism questioned not the novel powers exercised by the executive, he pays them this splendid tribute: "Such a people can work any constitution."²

The abstract study of institutions and laws, in which there is wanting the vital touch with concrete reality, magnifies out of their true proportion the devices or contrivances of governmental machinery. Government is at best but the means by use of which the state attains its ends; to make of it an end in itself, or even a fetish—as some do—is a manifest perversion.

Infinitely wider than the field of law is the domain of morality. "*Quid leges sine moribus?*" is a question that not only furnishes a commentary on imperial Rome, but finds applicability in all lands, in every age. "A man may be a bad husband, a bad father, a bad guardian, without coming into conflict with the rules of a single law. He may be an extortionate landlord, a wasteful tenant, a hard dealer, an unreliable tradesman, and yet the legal machinery of the country may be quite powerless to chastise him. He may be, furthermore, [continues Professor Amos], a self-seeking politician, an unscrupulous demagogue, or an indolent aristocrat, and yet satisfy to the utmost the claims of the law upon him. Nevertheless it is just in the conduct of these several relationships that the bulk of human life consists, and national prosperity and honor depend."⁴

"There is a widespread belief throughout the country [says a discerning writer] that for every abuse there is a legislative remedy. This belief in the moralizing power of the law is one of the most insidious as well as one of the most corrupting influences in our public life."⁴ May I be permitted a further quotation, taken from one of the most thought-compelling books of recent years: "Our zest for legislation blinds us to the subtle forces behind and beyond the law. Those influences which really make and mar human happiness and greatness are beyond the reach of the law. The law can

1. Vol. I, p. 290.

2. *Ibid.*

3. Amos, *Science of Law*, 30.

4. Rowe, *Problems of City Government*, 204.

compel a man to support his wife, but it cannot compel him to love her, and what are ten dollars a week to a woman whose love lies in broken shards at her feet? The law can compel a father to provide for his children and can interfere if he maltreats them, but it cannot compel him to give them that loving fatherly intercourse which puts backbone into a child forever. The law can keep neighbors from trespassing, but it cannot put neighborly courtesy and good-will into their relations. . . . The highest qualities and influences are beyond the law and must be created elsewhere."⁵ "The law becomes impotent if it is not supported by a diffused, spontaneous moral impulse in the community."⁶ The law may with measurable success govern man's outward acts, but is confessedly inadequate to the discovery and control of his inner motives, and it is precisely in this latter realm that moral right and duty must ever reside.

It is in general enjoined upon man to obey the law of the land, as a duty he owes to himself and to society. Yet mere literal obedience to the law is only a mark of passive or negative virtue as a citizen, and in no wise compensates for the absence of the positive virtues of active citizenship. A man may contrive to evade the clutches of the law and at the same time be at heart the community's most lawless member. As the domain of morality is infinitely wider than the field of exact law, so it is of vastly more moment in the preservation of the health of the body politic.

Moreover, as early laws have been for the most part "an embodiment of the customs that were observed," so in the growth of all law its social character and effectiveness at any given point depend upon public morality, and thus as a totality it almost invariably falls somewhat below the moral practices of the best citizenship. It has been well said that if all the people habitually lie, it is vain to affix a penalty to perjury; it is of no avail to enact laws if it is known that the community will not at least seriously endeavor to enforce them.

But it not infrequently happens that the normal growth of law is violently interfered with; as in the case of the superposition of a completed system upon an unprepared people, or the usurpation of the government and administration by a foreign or alien power, or by an unworthy or unscrupulous class not truly representative of the state or the community. The colonial methods of Spain—and indeed of many other powers—have in recent years been subjected to the most trenchant criticism because of the bodily transplantation of domestic law and institutions without due regard to the culture, the habits, the very traditions and life of the dependent people. In

5. Rauschenbusch, *Christianity and the Social Crisis*, 372.

6. *Ibid.*, 374.

other words, by running counter to the cosmic laws of adaptation, assimilation and evolution, Spain committed the mistake of trying by superposition to make every province a little Spain which should be an exact copy of the mother country. So in England, when the body of Anglo-Saxon law was fast rounding into a completed system at the time of Edward the Confessor, it would have been a serious error to predict that because William the Conqueror was a great stickler for legality, therefore the development of Anglo-Saxon law would go on unimpeded.

Again, it is no adequate security to a great municipality that its law and administrative forms have reached even the acme of perfection if a "ring" of corrupt politicians or a Tweed régime shall by fair means or by foul regain control. Laws may even be made the cloak of unrighteousness to hide the sins of base intrigue and festering immorality.

Finally, it is but commonplace to remark that in all frontier settlements, to which unusual conditions attract a heterogeneous population, popular tribunals of some sort have been erected. It may be the civil government has not been established sufficiently early, and thus statutory law is wanting, or the judicial tribunals have not been put in good working order for the timely execution of justice, or the perpetuation of inadequate and perhaps effete laws of an earlier civilization has cost the office-holding fraternity the contemptuous disregard of the community: for *some* cause sufficient in itself, or in the presence of certain exceptional conditions, usually rendered complex by the character of the population, the citizens' tribunal in some form has been inevitable as a means of self-protection.

It would be inaccurate to speak of the Vigilance Committee as everywhere synonymous with Mobocracy or Lynch Law. A mob is a tumultuous rabble through which surges a common passion, overmastering in its power and usually tending to the subversion of both order and reason. The origin of the term Lynch Law may not with certainty be made out, but the essential fact has unquestionably been observed from the remotest antiquity and is, simply, "the summary infliction of punishment," after informal trial, or with no trial at all. A vigilance committee, properly so-called, not only recognizes the majesty of the law, but constitutes itself "the champion of justice and of right." It actively seeks to reinforce the civil authorities, and thus to bring criminals to speedy justice where the regular officials have failed; or if in its judgment the circumstances demand, it rises above the legal system and becomes a law to itself, holding that unfaithful servants should be removed by an afflicted community, and insisting that since a statute is no more sacred than the men that made it, "vicious technicalities" must not be permitted to thwart the ends of justice.

It will be conceded that vigilance committees have not been found where there has been wise and effective execution of sound law. If terms have grown to be so elastic that a committee of vigilance may sometimes be truly denominated an exemplification of lynch law, it yet remains an accurate generalization that the essential purpose of the former is at once more worthy and more dignified than the latter, and that, whereas true lynch law is essentially heedless and anarchistic, the typical vigilance committee makes for government, social order, and peace.

In approaching a study of the San Francisco Vigilance Committee, it is indispensable to recall to mind California's unique position in the world. Ruthlessly seized by United States forces in 1846 with a probable view to slavery extension, increasing numbers of Americans began to enter her borders, bringing with them the English language and American notions of law and government. Three times did Congress fail to provide even a temporary scheme of civil government, so intense was the contest and so bitter were the antagonisms over the dominant issue. Meanwhile, the effete Mexican law, so inadequately applied to the administration of affairs in California before the conquest, became almost wholly ineffective; so that, as a contemporary writer expressed it, they were left, "after two years of anarchy, precisely as [they] stood at the start—sans law, sans order, sans government."⁷

"An exodus into newly discovered fields, that offer wealth as the prize for hardship, is proverbially composed of all sorts and conditions of men. The industrious and the ambitious see in such a country the occasion for exercise of great physical, moral, and intellectual vigor; the despairing are stimulated to new endeavors; the hopes of the down-trodden are revived; and the greed of the desperate and the vicious is inflamed. . . ." "And so in California in early days, men of widely divergent types, possessed of radically different ideals, struggled side by side, having but one aim in common, the desire to acquire a fortune. . . ."⁸

If there had been a crying need for governmental provision previous to the gold discovery, that momentous fact almost infinitely increased the need. Before the coming of the Argonauts the immigrants, who generally expected to settle permanently, were, as a rule, honest, sturdy, resourceful American pioneers. But in the days of '49 the sudden influx numbered also hundreds of deserters from all offices, ignorant or criminal elements from Mexico, Chili, China, New South Wales, and where not, and unprincipled adventurers from the United States—"loose fish" and "bad whites"; not one-

7. "Pacific," in *The Californian*.

8. Jury, Lynch Law in California, in Shuck, A History of the Bench and Bar, 267.

tenth of all of whom expected to remain permanently in California.

Such an element in a frontier population may be depended upon to exploit the labors of other men and reap where they sow not. A more perfect type of social parasite could not be found. We are not surprised, therefore, that about the middle of 1849 an organized band of desperadoes, known as the Hounds, terrorized San Francisco by their aggressions and high-handed crimes. Indeed, as Bancroft remarks, "one of their fundamental principles, practiced before it was formulated, and the first and broadest plank in their platform, was that others should feed and clothe them. The workingmen of California, the honest and industrious, should furnish them shelter, with strong drink, tobacco, and other luxuries."⁹ In short, the Hounds were a band of desperadoes, or public robbers, who committed repeated aggressions and offenses upon the people of San Francisco under the flimsy pretense of opposition to foreigners, given color by General Persifer Smith's declared intention of driving off all foreigners.¹⁰ The gang paralyzed the town with terror. Their outrages, for a time somewhat covert and usually perpetrated at dead of night, grew bolder and more defiant; but yet the long-suffering, peace-loving citizens, absorbed in their individual concerns, paid little attention to the aggressions of the organization, which may be considered, after all, as a natural consequence of the existing state of affairs.

But when at length the excesses became so violent that there was no safety and no apparent protection, the feeling spread and deepened that somehow the lawlessness must cease, that bounds must be set beyond which the self-styled "Regulators" must not be permitted to go. The crisis came on the afternoon of Sunday, July 15, when a large band of these "Regulators," after a ridiculous parade in fantastic costume, committed a dastardly assault on the Chilenos, whom, without provocation, they beat and cuffed and kicked not only, but wantonly fired upon, seriously wounding many defenseless men. When the news spread the town rose to the greatest pitch of excitement.

By dint of the energy of Sam Brannan and others the community was promptly organized for self-protection. Nearly twenty of the desperadoes were speedily arrested and tried, and the leader of the gang, Samuel Roberts, was found guilty of the eight counts against him. The "Regulators" were routed, and the incident closed.

Before passing on, however, it may be observed that "the ease with which a number of respectable and determined men could thus put down a disorderly gang afterwards encouraged the formation

9. Popular Tribunals, I, 78.

10. Cf. Hittell, *Hist. of California*, III, 724-25.

of the famous 'Vigilance Committee' of the year 1851";¹¹ and that the episode itself marked the rise of the first quasi-vigilance committee of San Francisco.

The lesson of the affair of the Hounds was imperfectly learned and too little taken to heart, partly because of the influx of new population, and partly because the penalties inflicted had been too mild. Almost immediately San Francisco plunged again into her social insanity. Few cities indeed have ever been socially and morally tried as was San Francisco from 1849 to 1853. The strangely disordered and pathologically nervous but withal rapturous life of those days seemed to men looking back upon it for even the brief space of half a dozen years like a whirl of wild dreams, a fantastic unreality.

Consider the heterogeneous tide of population that swept in over all seas and from all lands. Along with the sturdy pioneers that will ever be our pride and glory came also—chiefly from Sydney and other ports of the Pacific—"many of the worst specimens of ignorant and debased men and women ever witnessed within the pale of civilized society."¹² Truly they proved to be a moral pestilence.

Moreover, the delirium of mad speculation became a consuming fire. The regular business of the city, where market quotations were as fabulous as the tales of Arabian Nights, and interest on money at the rate of ten per cent a month and even higher was not uncommon, seemed to be but slightly removed from the professional gambling that flourished so amazingly and sent many a once innocent youth the quick way to perdition. The infection was everywhere: comparatively few were wholly immune.

Most of the citizens were young men away from home in an environment that offered every inducement to turn liberty into licence. Few women were there, and of those perhaps a majority were not wholly respectable, while many were utterly vile and abandoned. The absence of the home refinements and home restraints proved the ruin of many and a curse to the land. To employ the words of Dr. W. A. Scott, a pioneer preacher: "Many of the scalding tears that have been shed in California, and many of the broken hearts that have gone down sorrowing prematurely to the grave had been saved, if men's wives and daughters had come with them to the Golden State. If men's families were with them they would shrink from many of the deeds that now fill our daily chronicles of crime. If cheerful hearthstones were their nightly

11. *Annals of San Francisco*, 560.

12. Williams, *A Pioneer Pastorate*, 115; *cf.* *Annals*, 565.

resort, the country would not resemble so much a community of outlaws, and unscrupulous bankrupts and murderers." ¹³

The good men—for such there always were, and they constituted a strong majority—neglected the duties of their citizenship by the very apathy and absorption in their private affairs, while the base and criminal became boldly aggressive, and accordingly more dangerous to the public weal. "A thirst for gain burns with such ardor in our day [declared the faithful preacher] that all who would escape its snares must take heed to their ways according to God's word." ¹⁴

"What is here?

Gold? yellow, glittering, precious gold?

Thus much of this will make black, white; foul, fair;

Wrong, right; base, noble; old, young; coward, valiant.

Why, this

Will lug your priests and servants from your sides,

Pluck stout men's pillows from below their heads:

This yellow slave

Will place thieves

And give them title, knee and approbation

With Senators on the bench." ¹⁵

The social and moral forecast—if men had taken the time to consult the oracles—plainly indicated a great conflagration. The failure of justice is indicated by the fact that scores of robbers and murderers were allowed to go scot free. Not one murder of the hundreds in California had as yet been expiated on the gallows: hence we are not surprised to be told that "the very courts had become a by-word." ¹⁶ Hittell states: "There was no danger whatever of the law, because there was no danger that any one that had a particle of money or influence could be found guilty or punished: on the contrary, offenders came to regard a criminal prosecution as a farce." ¹⁷ The great Vigilance Committee of 1851, with relentless and tragic activity, was the inevitable response to the general cry for retribution and protection." ¹⁸

In the meantime California was called upon to undergo awful baptism by fire. The series of fiery ordeals was due in large measure to the moral and social conflagrations then raging, although out of them sprang ultimate good to the city. The first great San Francisco fire occurred in December, 1849, when cloth houses and the wealth stored in them to the extent of \$1,000,000 were consumed. The second great fire, far more disastrous to the business interests than the first, came on May 4, 1850. Little more than a month passed

13. *The Wedge of Gold* (1855), p. 105.

14. *Ibid.*, 117-18.

15. Timon of Pericles.

16. *San Francisco Chronicle*, Sept. 7, 1900, in *Century*, Feb., 1892, p. 554.

17. Vol. III, 312; cf. 210.

18. *Century*, *op. cit.*, 555.

before the next conflagration, after which cloth houses or tents were prohibited within the fire limits of the city. But the light redwood thenceforth so extensively used in building proved scarcely less combustible; and another serious fire visited the city the following September. The fire of May 4, 1851, proved most disastrous of all, destroying at least \$7,000,000 worth of property. After this costly lesson, and especially after the Sunday fire of June 22, known as the *sixth* great fire, the buildings erected, in the words of a contemporary, "show a wonderful improvement in strength and grandeur."¹⁹

In San Francisco, if anywhere, and in those days, if ever—days of material conflagration and social insanity, of the feverish desire of that conglomerate of *quasi*-savage civilization to grasp instant fortune—were needed sound law and strong government sustained by a high and dynamic morality. Those were anomalous days, the days of paradoxes. As the city government grew more expensive it became less efficient; theft was punished more severely than murder, "because men carried their lives about with them, and might defend them, but property left to itself was defenseless."²⁰ The establishment of new courts seemed to foster crime, for in the hands of the demagogues office was prostituted to the spirit of lawlessness. While to the superficial observer all seems unhallowed strife and worship of mammon, a careful examination reveals conservative forces of great potentiality. Those faithful ministers of the gospel of peace,—“Father” Taylor, the Methodist; Dwight Hunt, the Congregationalist; Albert Williams, the Presbyterian; Wheeler, the Baptist; VerMehr, the Episcopalian, and the rest of them,—present a page in our pioneer history in striking contrast to the record of sordid motives and unworthy deeds. “Happily, the long record of vice and immorality [as we read in the *Annals*] has a bright and noble counterpart, like the gold-dust among the muddy atoms of our own river beds, that redeems our character from wholesale condemnation.”²¹ Dr. Williams writes of the inspiring audiences he was wont to address. “These were mostly in the prime of manhood. There were few, very few gray hairs then seen. Such an assembly of educated, active, strong men, rarely brought together in any land, it was a pleasure to look upon, as it was my own privilege weekly.”²² Among men of all classes, striving with might and main for gold, there existed, especially in the mining days of '49, what seemed an incredible indifference to money, large sums of dust being recklessly left, perchance, in an old oyster can or under the pillow in the open tent while the owner was at his day's work. It

19. *Annals of San Francisco*, 566: “When the different fires took place in San Francisco, bands of plunderers issued from this great haunt of dissipation, [the *Alsatia*] to help themselves to whatever money or valuables lay in their way, or which they could possibly secure.”

20. *Ibid.*, 345.

21. *Ibid.*, 687.

22. *A Pioneer Pastorate*, 141.

would indeed be "a sad necessity to have to think that so much of exalted intellect, unexampled energy, and toilsome industry had labored only to furnish the pabulum for voluptuous and unbridled passion."²³

The community of San Francisco was as a whole undoubtedly reckless; yet there was ever a powerful element of virtue and conservatism. Whence, then, came all the mischief? What was the besetting social sin?" Professor Royce cannot have been far wrong when he pronounced it to be the "tolerance of the open vices of those who chose to be vicious."²⁴ Public sentiment "was not stern enough toward social offences, but believed in a sort of irreligious liberty, that considered every man's vices . . . as a private concern between his own soul and Satan." The increasing magnitude of private business and the growing multiplicity of individual relations excluded the vision to the community's imperative demands. Good men forgot or ignored the duties of citizenship, and all but abandoned the municipality to sin and Satan. While these good men—these *bad citizens*—wrought and while they slept, colossal Wrong lifted up its head and stalked abroad. Robbery became bolder, incendiarism less covert, and organized crime arrogant and defiant, for government itself seemed wrenched into the tool of outlawry, while the courts of law seemed to be the fountain heads of injustice and anarchy.²⁵

At length the civic conscience was fully aroused. With a mighty effort it shook off its long lethargy and stood, as it were, suddenly erect and militant. The particular act that thus proved efficacious was the Jansen robbery, in February, 1851. The consequent intense agitation of the city should have proved a timely warning to those bent on crime, but instead they became still bolder—and there appeared to be no likelihood that any single offender would be brought to justice by the regular agencies.

Given such a state of affairs on the part of most officials and an aggressive criminal class, and given an awakened indignation and the necessity for self-protection on the part of those constituting the backbone of the community, it is not difficult to advance to the actual organization of the great Vigilance Committee of 1851.

The need of the hour was some form of strong organization among lovers of order that should prove adequate to the preservation of peace and the enforcement of law. Otherwise there was extreme danger of mob control and downright anarchy. Accordingly, "on the 10th of June, 1851, an organization of prominent business men was effected and about 200 names were enrolled under

23. *Annals of San Francisco*, 687.

24. *California*, 397.

25. *Cf. Annals*, 566.

what was styled 'The Committee of Vigilance of San Francisco'.²⁶ Its specific objects were "to watch, pursue, and bring to justice the outlaws infesting the city, through the regularly constituted courts, if possible, through more summary course, if necessary." The members united themselves, to quote exactly from the constitution itself, "into an association for the maintenance of the peace and good order of society, and the preservation of the lives and property of the citizens of San Francisco and do bind ourselves, each unto the other, to do and perform every lawful act for the maintenance of law and order, and to sustain the laws when faithfully and properly administered; but we are determined that no thief, burglar, incendiary or assassin, shall escape punishment, either by the quibbles of the law, the insecurity of prisons, the carelessness or corruption of the police, or a laxity of those who pretend to administer justice."²⁷ For mutual protection and for purging the city of its bad characters each member pledged his word of honor, his life, and his fortune.²⁸

Great work there was for the Committee. Scarcely had the organization been effected and an adjournment taken when, about ten o'clock at night, two sharp taps on the fire bell brought the members quickly back to headquarters. One John Jenkins, a powerful, vicious-looking man, an ex-convict from Sydney (a "Sydney cove"), had burglarized a store on Commercial Street, and, failing to make good his escape, was promptly taken to the room of the Committee.

The Committee did not hesitate, but pursued its straight path. In an hour Jenkins had been tried for his offense: in two hours, at the stroke of midnight, he was pronounced guilty of murder and sentenced to be hung. Two hours later a solemn procession marched to Portsmouth Square, where the condemned man, in the presence of 1000 grim-visaged but approving witnesses, expiated his crime by hanging until dead.²⁹

The work of Vigilance was heralded quickly abroad throughout the State. Scores of San Francisco's best citizens came forward to be enrolled as members of the Committee, thus endorsing its acts and pledging their support; while men of Jenkins's class were filled with consternation at the unwonted procedure of his prompt arrest and quick execution.

It is obviously impossible here to rehearse in any detail the activities of the famous Vigilance Committee of 1851. The *Alta California*, only five days after that terrible scene enacted at Ports-

26. Coleman, in *Century*, vol. XLIII, 136.

27. See also statement of Pres. Payran, of the Exec. Com., in Bancroft, *Popular Tribunals*, I, 460.

28. See *Annals*, 568 ff., for constitution and personnel.

29. See accounts in contemporaneous newspapers.

mouth Square, says: "It is certainly a fact that since the excitement which resulted in the execution, . . . crimes of the more heinous nature have visibly decreased. . . . Whereas previously scarce a night occurred that we had not occasion to note down a knocking down, drugging, robbery or burglary, since that night there has been but one case of robbery of which we have heard." Bancroft asserts that a fortnight had not elapsed before "an entire change was noticed in the state of society."³⁰

On the 11th of July following, at about nine o'clock in the morning, the bell of the Monumental Engine House again solemnly summoned the Vigilance Committee to the consideration of a case that meant death to the culprit. This time it was James Stuart, whose confession revealed him as perhaps the most colossal villain in California, and deeply implicated several others in a long catalogue of atrocious crimes. The wretch was condemned to death, and after two hours' grace was led forth to the Market Street wharf, where he was hung by means of an improvised derrick.³¹

The work of purging was not yet complete. Samuel Whittaker and Robert McKenzie were brought to trial for a list of crimes including burglary, robbery, and arson; they confessed their guilt and were condemned to die. On the morning of the 21st of August, by a series of quick movements and the possible treachery of some of the guards, the prisoners, who had already been in the custody of the Committee for weeks, were seized by the sheriff and placed in the jail. The upshot of the matter was that on Sunday afternoon, August 24, while Rev. Albert Williams was conducting religious services for the prisoners, in accordance with his custom, a party of Vigilantes abducted Whittaker and McKenzie,³² hurried them to a closed carriage in waiting, and drove them with all haste to the Committee headquarters, while the ominous bell at once summoned the members and sounded the death knell. The six thousand assembled men maintained an awful silence during the brief preparation: "But so soon as the wretches were swung off, one tremendous shout of satisfaction burst from the excited multitude; and then there was silence again."³³

These were the last of the four executions conducted by the San Francisco Vigilance Committee of 1851; but these did not at all exhaust the activities of the Committee. During its active operations about a score of bad characters were banished from California, and many more than that number, recognizing that San Francisco was no longer a safe lurking-place for rogues, advisedly took their departure for various points in the interior, only to find themselves

30. Popular Tribunals, I, 258.

31. For contemporaneous account and confession, see *Alta California*, July 12, 1851.

32. Williams describes this in *A Pioneer Pastorate*, 117-18.

33. *Annals of San Francisco*, 585.

again thwarted in their career of crime by the spirit of watchfulness and vigilance that had spread to every quarter. The official record of sentences is as follows: Hanged, 4; whipped, 1; deported, 14; ordered to leave the State, 1; handed over to authorities, 15; discharged, 41. The last entry in the book of the Committee bears the date of June 30, 1852; but even then the association was not formally dissolved. The members stood ready, on occasion, to assert themselves and speak out their undoubted supremacy with no uncertain voice.

That the work accomplished was one of magnitude and splendor, who can now question? The well-nigh unlimited power enjoyed by the Committee, by virtue of numbers and wealth, as well as influence and energy were used with calmness and solemn moderation, without the spirit of mobocracy. Quoting the words of another: "The mob was mobile, they were firm; the mob was passionate, they were cool; the mob hanged first and tried afterward; they executed justice only after the most solemn judgment."³⁴ None deplored the necessity for their acts of terrible retribution more than themselves. Even Pastor Williams, under whose very eye Whittaker and McKenzie were abducted, gives this verdict: "Deeply as the measures of the Committee may have been regretted, in view of their extraordinary character, their salutary effect was for a long time visible."³⁵

The local contemporaneous press, except one newspaper, cordially endorsed the movement and rendered effective aid; while in the Eastern press opinion was divided,³⁶ several of the most influential papers justifying the Committee in strong terms. Note, for example, an editorial utterance in the New York *Tribune*, for July 19: "We are sufficiently familiar with the characters of the men composing the Committee of Vigilance to acquit them of any other motive than that of maintaining public order and individual *security*. . . . In spite of these violent exhibitions of popular sentiment, the instinct of order, *the capacity for self-government, is manifested more strongly in California, at this moment, than in any other part of the world.*"³⁷

An altogether natural consequence of the activities in San Francisco was the inspiration and encouragement of similar movements in the interior towns and everywhere in the mining camps, where the self-dependence of isolated communities rendered vigilance perhaps even more needful than in large centers of population.

One of the first instances of a vigilance committee was the "Rough and Ready," in Nevada City, in 1850, which succeeded so

34. Bancroft, *Popular Tribunals*, I, 400.

35. *Op. cit.*, 118.

36. *Cf. Alta California*, Sept. 11, 1851.

37. Opinion of the San Francisco Grand Jury, 1851, in *Annals*, 581-82.

well that one of the miners conceived the fatuous idea of an independent sovereignty, which should be called the "State of Rough and Ready."³⁸ Limitations of this paper forbid even the briefest account of the very numerous attempts at popular justice in different parts of California. In the files of the *Alta California* I have read the contemporaneous accounts of many crimes and many cases of the arbitrary administration of justice. The issue of June 26th, 1851, announces that "a Vigilance Committee of 213 signers has been formed in Sacramento." In the following November it was stated that seventeen murders had been announced within a day or two about Marysville, and that the Vigilance Committee would "take prompt steps in the premises."³⁹ During the next spring robberies were "of frequent and alarming occurrence" about Mokelumne Hill, and not until the Vigilance Committee executed Carlos Esclava in the presence of nearly 1000 witnesses were the people satisfied. Under date of May 31, 1852, we read: "The citizens of Jackson have formed a Vigilance Committee, for the protection of life and property, and the summary punishment of offenders. Nearly all the most respectable citizens of that town and vicinity have joined it. . . ."⁴⁰ Finally, May 24, 1854: "The unearthing of a gang of thieves and vagabonds, last week, at Downieville, has led to the organization of a Vigilance Committee for the better preservation of life and property."⁴¹ These are mere samples taken at random of what was being done in towns and camps in all directions within and beyond the borders of California.⁴²

The *raison d'être* of Vigilance is not far to seek. The absence of settled law and legal precedent thrust upon each mining camp the necessity of formulating rules and regulations for its government, the fundamental propositions usually being the equality of all before the bar of justice and the right of every man to have a fair and equal chance.⁴³ While every camp bore a general resemblance to every other, each was different in detail and, to some extent, a law unto itself. Often those who get themselves chosen judges (or *alcaldes*) were corrupt; in other instances they lacked technical preparation and so were largely under the domination of sharp lawyers who could often cause vexatious delays at will.

By no means were all instances of popular justice in pioneer California worthy of respect, much less of approbation. The distinction between a vigilance committee and a mob, or lynch law, was frequently lost sight of, and many heinous crimes were com-

38. Hittell, *History of California*, III, 279-80.

39. November 14.

40. Quoted from *Calaveras Chronicle*, May 29, 1852.

41. Quoted from *Sierra Citizen*.

42. For extended account, cf. Bancroft, *Popular Tribunals*, I, 8; for general result, see *Annals*, 586.

43. Cf. Hittell, *California*, III, 257.

mitted in the name of popular justice. Indeed, the horrible spectacle of the hanging of Barclay at Chinese Camp in 1855, under peculiarly revolting circumstances, deservedly brought on a feeling of revulsion and disgust for lynch law. The conduct of the crowd was brutal, disgraceful, savage.

I must merely touch upon the great San Francisco Committee of Vigilance of 1856, which will ever hold a memorable place in our unique history. The task is too great, for this subject itself rightly demands an entire discussion.

It will be recalled that the first great Committee was not formally dissolved, but that its members stood ready to assert themselves on occasion. For many months after its active operations had ceased, the organization continued a potential check to vicious or unscrupulous elements of the city. But as the terrible warnings of the hangman's noose began to fade from the memory and vigilance began to be relaxed, while other human vultures swept down upon the city, greedy for their prey, the law again fell on evil times. The forces of villainy and crime, taking a lesson from recent history, showed themselves more intelligent if equally unprincipled, more crafty if at the same time more utterly demoralizing. "Behind the shield raised against crime," wrote Boncroft,⁴⁴ "crime itself was stationed with the sword of justice in its hand. Sitting in judgment, villains sold justice for money, or sent triumphant vice abroad in the livery of virtue."

The method was to capture primaries, stuff ballot-boxes, and become intrenched in public office. The forces of corruption wrought mightily while the virtuous slept. Sadly must it be confessed—it was ever thus. By means of ingeniously-contrived false-bottomed ballot boxes iniquitous men were voting themselves into office. It is recorded how Captain Lees of the police force found in a saloon on First Street, near Mission, one of the "so-called double improved back-action ballot-boxes"—apparently one of many. The Vigilance Committee subsequently secured it, and on several occasions used it with telling effect for exhibition purposes.⁴⁵ It became unsafe for honest voters to approach the polls, for if too many such appeared, a set of bullies and shoulder strikers were on hand to knock them down, and render life itself insecure.

The political degradation to which San Francisco sank is attributable largely to three causes pointed out by Mr. Hittell: (1) the general unsettled condition and rush for gold; as a consequence the respectable classes avoided politics, and political conventions became a farce; (2) the county and municipal officers were, as a

44. *Popular Tribunals*, II, 5.

45. *Cf. Hittell, History of California*, III, 526.

rule, grossly inefficient and corrupt, as is perfectly obvious when we remind ourselves of the fact that over 1000 homicides were committed in San Francisco between 1849 and 1856 with *but one legal execution*; and (3) excessive gambling and over-speculation were followed by a material decline of production in placer mining after 1853, leading to the commercial panic of 1854.⁴⁶ But, as in 1851, the chief besetting social sin was that of being engrossed in the strife for gold and kindred private ends to the sad neglect of social and civic duties. Accordingly the voice of the honest voter was smothered by the midnight frauds, the arm of law was struck down by the slung-shot of a corrupt officary.

The event that was made the occasion for the organization of the Vigilance Committee, as everybody knows, was James Casey's attack on James King of William, the free lance editor of the *Bulletin*.⁴⁷ William T. Coleman was asked to head the new movement; and being assured of absolute obedience and absolute secrecy, he accepted the awful responsibility. Here I must be pardoned while I pause to remark that in any calendar of great Californians, the name of W. T. Coleman should find a conspicuous place of honor. His supreme courage, his consummate ability in generalship, his absolute personal honesty and the poise of his judgment, and withal his noble self-sacrificing devotion to public duty mark him as one of the truly great whether we view these as qualities of the man or measured by their beneficent results. When he died the venerable editor of the New York *Sun* wrote: "Surely if there are great men now-a-days, Coleman was one, and they who knew him truly as he was, may well be grateful to Heaven for the privilege."⁴⁸

During its first twenty-four hours some 1500 members enrolled in the great Committee. Organization went forward with amazing rapidity; by a complete system of drills military precision was attained in an incredibly short time.

When on the afternoon of May 20 the sad intelligence of King's death from his wound spread through the city, all places of business were closed, the streets rapidly filled with sorrowful faces, and on the arm of almost every man was a badge of mourning.⁴⁹ Such a demonstration had never been witnessed in San Francisco. While the funeral cortege of King, marching four abreast, and a mile in length, moved solemnly through the streets, the Committee was engaged in the stern business of the execution of Casey, and another condemned criminal named Cora, in front of Vigilance headquarters.

46. Hittell, California, III, 460-62; cf. *Alta*, January 17, 1856.

47. Account in *Bulletin*; quoted in Meriweather Smith, San Francisco Vigilance Committee of '56, p. 35.

48. Constitution of Committee in Smith, *op. cit.*, pp. 40-42.

49. See eulogy in Smith, *op. cit.*, 53.

The work of purging the city had been begun: there could be no receding now.

So completely did the movement captivate the sympathy and cooperation of the city that in July the Committee numbered 6000 men under arms, well equipped, and organized into one battalion, four companies of artillery, one squadron, two troops of dragoons, four regiments, and thirty-two companies of infantry. A full corps of officers were chosen, the executive committee of twenty-six members named, and a police force equipped.

Not only were the great body of San Franciscans heart and mind with the movement, but it met with prompt and hearty endorsement from the leading towns of the interior. From San José an offer of 1000 men for the Vigilance Committee was telegraphed.⁵⁰

The Committee comprised every nationality, all political parties and religious denominations, without distinction of trade or occupation.

There was opposition, to be sure; there were those who professed to believe that there was no real need of organized Vigilance. In fact, the contest between the Law and Order Party and the Committee became very bitter and at times threatened results too terrible to contemplate. What rendered the situation the more delicate and difficult was the inconsistent and pusillanimous course of Governor Neely Johnson, who seemed quite incapable of rising to the occasion in the broad spirit of fairness and conciliation. No doubt there was honest difference of opinion, in many instances: yet it now seems certain, in view of the antecedents and the existing conditions, that many of the very leaders of the Law and Order Party were for some time the most dangerous enemies of the people. The labors of Vigilance had already been arduous, but for the continuance of their work they had pledged "their lives, their fortunes, and their sacred honor."

The motives of those brave men who willingly sacrificed private interest in order to discharge this social duty are unimpeachable. Hundreds of prominent members might say, as did James D. Farwell: "I went into that Committee with as earnest a sense of duty as I ever embarked in anything in my life. I went into it as a religious duty to society. . . . I and my companions of the executive committee, also, to a man, were governed by the purest motives."⁵¹ In the address of the Committee dated June 9 are these straightforward words: "We have no friends to reward, no enemies to punish, no private ends to accomplish. Our single heartfelt aim

50. Bancroft, *Popular Tribunals*, II, 195.

51. Quoted in Bancroft, *op. cit.*, II, 127.

is the public good, the purging, from our community, of those abandoned characters. . . ."

The Committee's officers wished their work at an end and were planning final adjournment, when the stabbing of Hopkins by Judge Terry of the State Supreme Court thrust upon them perhaps the most disagreeable work yet undertaken.

Finally came the day of adjournment of the Committee, and its active work came to an end in a most imposing demonstration. The military review on August 8 formed a fitting close to what has been called "one of the grandest moral revolutions the world has ever witnessed."⁵²

The fruits of Vigilance continued to abide. Four men had been hanged, thirty banished, and some 80 of the worst characters deemed it wise to leave the community without ceremony. Once more the atmosphere was clear, the Vigilantes dropped quietly and loyally back to their respective callings, and the inherent capacity of the American people for self-government was openly vindicated. But we may well pray Heaven that a repetition of the scenes enacted may never again be required in the Golden State we love so well.⁵³

52. Bancroft, *op. cit.*, II, p. 531. For its justification, see Smith, 60.

53. *Note.* The writer desires to call attention to two monumental works just issued from the University of California Press. These are, "History of the San Francisco Committee of Vigilance of 1851," by Mary Floyd Williams, Ph.D., and, "Papers of the San Francisco Committee of Vigilance of 1851," edited by Doctor Williams, with introduction by Henry Morse Stephens. It is regretted that these were received too late to be used in this paper.